

AFA EXECUTIVE COUNCIL MEETING MINUTES

February 23, 2011

(Approved by the Executive Council on March 9, 2011)

Executive Councilors present (noted by *):

*Dan Munton, <i>presiding</i>	John Daly	Lynn Harenberg-Miller	*Mike Starkey
*Alix Alixopoulos	*Dianne Davis	*Reneé Lo Pilato	Julie Thompson
*Paulette Bell	Cheryl Dunn	*Sean Martin	*Jack Wegman
*Lara Branen-Ahumada	*Brenda Flyswithawks	Warren Ruud	<i>One adjunct faculty</i>
*Paula Burks	*Karen Frindell Teuscher	Audrey Spall	<i>vacant seat</i>

Officers/Negotiators present: Ann Herbst
 Faculty present: Phyllis Usina, Catherine Williams
 Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:07 p.m. in Doyle Library Room #4245 on the Santa Rosa campus.

MEMBER CONCERNS

1. Negotiations Process. Phyllis Usina, regular faculty in Learning Resources, appeared before the Council to convey her concern about the negotiations process and describe what led her to cast a "no" vote on the last tentative agreement. She thanked members of the Council and the negotiating team for their hard work on her behalf, and commended AFA on its professionalism during these challenging times. She said that she is not familiar with the negotiations process and did not come to propose any solutions. Noting that the last ratification vote was the closest in AFA history, she said that her "no" vote came from drawing a "line in the sand" about faculty not contributing to the cost of their medical benefits. She made the observation that AFA works tirelessly to keep faculty informed, in terms of surveys, *Updates*, emails, MOUs, etc., but said that she felt helpless when the only way to express her opinion on this one item was to vote "no." ("Even though AFA informs me, I felt informed but not heard.") Phyllis acknowledged that it must be impossible for everyone to be heard, but that fact should not stop the organization and its members from examining the negotiations process and trying to improve it. She said she recognizes that issues of confidentiality come into play in negotiations, but suggested that there has to be some kind of middle ground. At some point during the process, the negotiating team should be able to share some information prior to concluding the agreement on a contract on which faculty can give only a "yes" or "no" vote. She suggested that there has to be a way for the team to get the pulse from faculty prior to the vote. Phyllis requested that the Council examine the process and develop a way to get more feedback to and from the faculty. She thanked the Council for taking the time to listen to her concern and said that she would be happy to answer any questions Councilors might have about her comments.
2. Use of PED&A Facilities for Employee Wellness Activities. As a follow-up to a member concern raised at the last Council meeting, Reneé Lo Pilato reported that she had met with Physical Education, Dance & Athletics Dean Jim Forkum about employee wellness. Dean Forkum has

agreed to begin a conversation with Dr. Agrella and Doug Roberts to see if faculty and staff can use District facilities and exercise equipment when they are not otherwise in use.

3. PGI Workshop on PDA Day. Dianne Davis praised Cheryl Dunn and Anne O'Donnell for their excellent job presenting the PGI workshop on PDA day. They based much of the presentation on the Contract, and the workshop was very well attended. Dianne commended these two members of the PGI Committee for being instrumental in helping to change the process that the Office of Academic Affairs (AA) uses to notify faculty members of their eligibility to apply for PGI credit. (AA now sends out a letter to faculty prior to the first semester of step eligibility, instead of at the end of the 4-year eligibility period as was done in the past.)
4. Sabbatical Leaves. Karen Frindell Teuscher registered her concern about the sabbatical leave program, which had been the subject of several articles in the *Press Democrat* and a topic of discussion at the February Board of Trustees meeting. As one of the faculty members who applied for a 2012-13 sabbatical, Karen said that the District delayed sending out the list of rankings to applicants. After the District did send out the list, applicants learned that Dr. Agrella would be directing a study about whether the sabbatical leave program benefits the college. Karen said that she hoped that AFA would be playing a significant role on the task force that will be formed to study the issue. Chief Negotiator Ann Herbst, who represents AFA on the Sabbatical Leave Committee, responded that Warren Ruud, who attended the February Board meeting, had reported that Board President Rick Call directed Dr. Agrella to form a task force to study sabbaticals to make sure that they are benefiting students in the long run. Ann suggested that the article in the *Press Democrat* about the cost of the 13 postponed sabbaticals most likely had some impact on the discussion at the Board meeting. The action item on the Board agenda was to approve the start-up of the sabbatical leave cycle again and to allow the postponed sabbaticals to proceed— a decision to which, Ann noted, the District administration had already agreed. Ann commented that the AFA leadership believes that the academic aspect of the sabbatical leave program is an Academic Senate issue; however, the mechanisms of how sabbaticals are decided upon and how they affect faculty employment and compensation are contractual issues. The Sabbatical Leave Committee is largely composed of Senate representatives; only one AFA representative sits on the committee. Ann noted that there would be an opportunity for further discussion later in the meeting during the negotiations report.
5. Adjunct Faculty Representative Election. On behalf of several colleagues, Paulette Bell conveyed a concern about the lack of communication from AFA regarding the status of the nomination and election process currently underway for adjunct faculty Council representatives. She said that several adjunct faculty members reported that they had been unsuccessful in finding the nomination page on the AFA Web site, and neither she nor they knew that there were not enough candidates to fill the vacant seats. Although she was told that the lack of communication was due to an oversight, Paulette suggested that it would have been better to communicate this information to the Council prior to today's meeting. She added that, at this time, there is a heightened need for sensitivity in AFA's communications about adjunct issues. Dan Munton explained that, historically, nominations for Council representatives have been due the same day as the Council meeting. Consequently, the decision about how to proceed in the case of an uncontested election, which the Bylaws require, has been made on that same day. Due to the delay in the elections process related to the Council's consideration of proposed changes to the AFA Constitution, the nomination deadline ended during the week between Council meetings. Ann Herbst thanked Paulette for raising the issue. Ann confirmed that the lack of communication was due to an oversight, and agreed that it was unfortunate. In response to a question about how to remedy the problem in the future, Dan commented that the AFA Bylaws outline the timeline for elections, and it would be possible to change the Bylaws to allow for more flexibility. As several items related to the adjunct election were scheduled for discussion on this agenda, further discussion was postponed until later in the meeting.

MINUTES

The Council accepted the minutes from the February 9, 2011 Executive Council meeting as submitted. (Approved minutes are posted at www.santarosa.edu/afa/minutes.shtml .)

ACTION ITEMS

- 1a. Appointment of Two Adjunct Faculty Candidates for 2011-13 Terms. Dan Munton reported that there were only two adjunct faculty candidates for three open seats. In situations where there is an uncontested election, AFA Bylaws give the Council the authority to decide by two-thirds vote whether to hold an election or appoint the candidates. As a result of the recent resignation of an adjunct Councilor, there are currently 18 members of the Council, which means that two thirds of the Council would total 12 votes. Due to the absence of many Councilors, Dan Munton requested the postponement of discussion and action on this item until later in the meeting in order to allow for the possibility that additional Councilors would arrive and there would be a sufficient number of Councilors present as required by the Bylaws to vote on this item. No Councilor expressed any objection to the postponement. (See Action Item #1b continued below.)

2. Opening of Nominations for 2011-12 Officers. Prior to opening nominations for officers, Dan announced the results of the contract faculty representative election, which closed at 12 noon on the same day as this meeting. AFA staff and one adjunct faculty Councilor certified the results at 1:30 p.m. There were nine candidates for six open seats, which are for two-year terms, beginning Fall 2011. The following contract faculty candidates were elected to the Council: Dianne Davis, Brenda Flyswithhawks, Karen Frindell Teuscher, Sean Martin, Mary Pierce, and Audrey Spall. Newly elected Councilors are invited to attend Council meetings and retreats, but are not eligible to vote until their term begins.

Dan noted that each of the open officer positions is for a one-year term, beginning Fall 2011. He clarified that the first term for an individual serving as President or Chief Negotiator is two years, due to the large learning curve. Each subsequent term for the same individual serving as President or Chief Negotiator is for one year. Chief Negotiator Ann Herbst is in the middle of a two-year term; consequently, that position is not slated for election until Spring 2012. Only Councilors are eligible to be elected to four of the officer positions open for nomination this spring. (The Conciliation/Grievance Officer need not be a Councilor, but must be an AFA member.) The following nominations were put forward:

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| • President | Dan Munton nominated Warren Ruud |
| • Conciliation/Grievance Officer | Sean Martin nominated Audrey Spall |
| • Vice President for Santa Rosa | Reneé Lo Pilato nominated Dan Munton * |
| • Vice President for Petaluma | Lara Branen-Ahumada nominated Mary Pierce |
| • Secretary/Treasurer | Dan Munton nominated Paula Burks |

* Prior to being nominated as VP-SR, Dan reminded the Council that he is scheduled for a sabbatical leave in Spring 2012 and that, should he be nominated, the Council would need to appoint mid-term replacements for his positions as VP-SR and regular faculty Councilor.

Nominations will remain open until the elections are held at the next Council meeting on March 9, 2011. Should Councilors wish to nominate themselves or another individual for one of the officer positions, Dan asked that they inform AFA staff. Any candidate who wishes to submit a statement (statements are optional) should email it to AFA staff by the end of the day on Wednesday, March 2, 2011, so that the statement may be included in the packet for the March 9 meeting.

Several adjunct Councilors requested that the Council schedule a discussion of the composition of the AFA Grievance Committee for a future meeting. While commending the job that the current Conciliation/Grievance Officer (C/GO) is doing, they noted that last fall the members of the Adjunct Issues Committee had proposed creating the position of an adjunct grievance officer, and they are interested in exploring ways to improve the grievance

process. Ann Herbst presented some historical background and explained that the AFA Conciliation/Grievance Committee has been composed of the AFA officers. Often the C/GO provides a more detailed report to the Cabinet, than she does to the Council. Typically, the C/GO confers with the President and the former Conciliation/Grievance Officer on conciliation/grievance issues, in addition to consulting other individuals who have expertise in particular areas, as needed. Lara Branen-Ahumada commented that, in their research for ACCT, team members noted that there were grievance committees at other CCCI member associations, although team members didn't pursue details about the composition of the grievance committees or how they functioned. It was suggested that this item be scheduled for discussion at the next Council meeting and that members of the Adjunct Issues Committee come prepared to bring their input.

3. Opening of Nominations for 2011-12 Data Analyst, Note Taker, and At-Large Negotiators. Dan explained that each position is for a one-year term, beginning Fall 2011; the President and Chief Negotiator serve on the negotiating team by position; there must be at least two adjunct faculty members on the team; and the at-large negotiators do not have defined roles. Nominations were opened, and will remain open until the election is held at the next Council meeting on March 9, 2011. The following nominations were put forward:
- Negotiator: Data Analyst Lara Branen-Ahumada nominated Warren Ruud
 - Negotiator: Note Taker Lara Branen-Ahumada nominated Dianne Davis
 - Negotiator: At Large Dianne Davis nominated Lara Branen-Ahumada
Lara Branen-Ahumada nominated Lynn Harenberg-Miller
Karen Frindell Teuscher nominated Jack Wegman

Dan reiterated that Councilors have time to consider nominating themselves or another individual for one of the positions, and he asked that they contact the AFA office if they wished to put forward a nomination. Any candidate who wishes to submit a statement (statements are optional) should email it to AFA staff by the end of the day on Wednesday, March 2, 2011, so that the statement may be included in the packet for the March 9 meeting.

4. Opening of Nominations for 2011-12 Other Appointed Positions. Dan noted that each position is for a one-year term, beginning Fall 2011. Nominations were opened, and will remain open until the election is held at the next Council meeting on March 9, 2011. The following nominations were put forward:
- Publications Coordinator Dan Munton nominated Julie Thompson
 - District Tenure Review & Evaluations
Committee (DTREC) Co-Chair Reneé Lo Pilato nominated Sean Martin
 - Bay Faculty Association Representative Dan Munton nominated Ann Herbst
 - Adjunct Cabinet Representative Sean Martin nominated Mike Starkey

Dan reiterated that Councilors have time to consider nominating themselves or another individual for one of the positions, and he asked that they contact the AFA office if they wished to put forward a nomination. Any candidate who wishes to submit a statement (statements are optional) should email it to AFA staff by the end of the day on Wednesday, March 2, 2011, so that the statement may be included in the packet for the March 9 meeting.

It was suggested that Councilors who decide to run for any of the currently uncontested positions ought to notify the other candidates of their intention to submit a statement, as a courtesy. Then, the other candidates would have time to submit statements, if they had not already planned to do so because they thought they were running unopposed.

- 1b. (*Continued*) Appointment of Two Adjunct Faculty Candidates for 2011-13 Terms. Dan reported that the two adjunct faculty candidates who submitted nomination statements for the three adjunct Councilor seats, which go into effect at the beginning of the Fall 2011 semester, are Eric Stadnik and Mike Starkey. The Cabinet's recommendation is that, rather than holding a special election, the Council appoints the two candidates. If, as required by

the Bylaws, two thirds of the Council (12 Councilors) does not vote in favor of making an appointment, then the Council's options would be to consider holding a special election for the two candidates or postponing the decision. Historically, the Council has not held a special election with so little time left in the semester. Dan noted that the Cabinet also suggested that members of the Adjunct Issues Committee put forward their recommendations for candidates for the third open seat for the 2011-13 term, and that they approach adjunct faculty members individually to solicit their interest. He also pointed out that, in the past, the Council has appointed a candidate who won an election to a seat for the upcoming 2-year term to fill a mid-term vacancy for a term that expires before that 2-year term begins.

In response to the concern expressed earlier in the meeting about the lack of communication regarding the adjunct faculty nominations, Dan clarified that the call for adjunct candidate nominations was conducted in the same manner using the same time period as has been used in the past and as was used for this year's call for contract candidate nominations. Several Councilors suggested that, since there was nothing unusual in the way the call for adjunct candidates was handled, there is no reason to put out a second call for adjunct candidates. Although it is the case that there was not a large response from adjunct faculty this year, as there has been in the past, it was suggested that, it's safe to conclude that there isn't an interest. Councilors suggested that the current climate might be partially responsible for the lack of an adjunct faculty response and that, if faculty members have a difference of opinion with the decisions that the Council has made, it would be more productive if they ran for a seat on the Council and participated in the decision-making process themselves. Several Councilors mentioned that they contacted many adjunct faculty members on both campuses and encouraged them to run in the election. The number of candidates running in any given election, however, is not known until the deadline to submit nomination statements has passed.

The statements submitted by the two candidates were read out loud. Following a motion made by Sean Martin and seconded by Dianne Davis, by a show of hands, nine members of the Council voted in favor of approving the appointments of Eric Stadnik and Mike Starkey to the Council as adjunct representatives. There were two abstentions. Since two thirds of the Council did not vote in favor of the motion, as required by the Bylaws, the motion was defeated.

DISCUSSION ITEMS

1. Adjunct Representative Vacancy (Remainder of 2009-11 Term). Dan noted that this vacancy is the result of a mid-term resignation. He asked the Council to consider how they would prefer to proceed in filling the position (e.g., special election or appointment), given there are only nine weeks left in the semester. Historically, the Council has not held a special election with so little time left in the semester. It was suggested that, had the Council approved the appointment of Eric Stadnik to one of the 2011-13 term seats, it could have appointed him to fill the vacancy for the remainder of the current term, which expires before the 2011-13 term begins. (Eric has indicated that he is available on Wednesday afternoons to attend Council meetings this semester.) Since many Councilors were absent from this meeting and no action was taken regarding the appointment of two of the candidates for the three open seats, there was consensus that discussion on this item be tabled until the next meeting.
2. Adjunct Representative Vacancy (2011-13). Dan stated that this vacancy refers to the third, 2-year-term seat for which there were no candidates. Councilors offered several suggestions, including: (1) Send out another call for candidates for the third open seat; (2) Wait to send out a solicitation of nominations for the third seat until the Council reaches a decision about whether to hold a special election for two of the three seats or appoint the two candidates; (3) Send out another call for candidates for all three seats, in the hope of getting more than three candidates, and then hold an election for all three seats; (4) postpone the discussion until the next meeting. There was consensus to table the discussion until the next meeting.

3. Council Composition. Several adjunct Councilors commended Sean Martin for the email he sent out prior to the meeting regarding this issue. Sean said that he and Mike Starkey are working together to draft a proposal for presentation to the Council at the next meeting. Notwithstanding the concerns that various Councilors have expressed about at-large seats and/or open voting, the proposal would reflect what Sean and Mike feel was the Council's consensus at the last meeting, which is that an 11 – 8 representative makeup makes sense. In the model that they will be proposing, contract members would elect eleven contract representatives and adjunct members would elect eight adjunct representatives. Sean said that, within Article IV of the Constitution, there is an ambiguity where it discusses Councilor responsibilities and duties, and it is unclear as to who Councilors represent—only their constituents or everyone. Only one word—"or"—is ambiguous, and Sean suggested that "or" be changed to "and." Councilors ought to represent all faculty members, not just those in their own constituencies. If someone failed to live up to his or her responsibility, s/he could not be held accountable by his or her own constituency; however, the principle of representation would be established. The idea of moving to a system of open voting or at-large seats has appeared to be a divisive issue in numerous Council discussions. While maintaining a two-thirds vote requirement for approval, the 11 -8 make-up would mean that contract and adjunct Councilors would need to come together as a group in order to move any item forward. Deliberation would be required to "win the day," and there would be no instance where one group or the other could vote to approve an item on its own. Sean suggested that contract and adjunct Councilors are not homogeneous bodies and do not vote as a block. In response to a request, Sean briefly reiterated his explanation of a principle in political philosophy in which people are asked to creatively imagine that whatever conditions they vote for, they would not know what side of things they would fall on when that condition came into being. People could stand the risk of falling victim to an unfair arrangement. Sean expressed the opinion that it behooves individuals to engage in this kind of mental exercise and that this principle—known as the "veil of ignorance"—is one among many that ought to guide deliberations. He also commented that, had Councilors engaged in this exercise or had there been a different makeup in the Council in recent years, it is unclear whether those factors would have resulted in a difference in the policy decisions that were made.

Councilors engaged in a lengthy discussion and the following comments were made:

- Adjunct and contract faculty members have typically voted similarly until it came to the vote on the categorical salary cuts.
- Having a Council make-up where voting on issues is not a "slam dunk" is very important.
- There's a comfort zone in maintaining the system where contingent faculty votes for contingent representatives, and contract faculty votes for contract representatives, but that is a sticking point.
- If I knew then what I know now, I don't know that I would have made the same decision. What has happened since that vote will affect how I will vote in the future.
- The cuts to the hourly schedules drove me to change my position from representing all faculty to representing only adjunct faculty.
- Adjunct faculty voted in favor of every single contract between 2002 and 2010 because they benefited from the enhanced hourly rate. As a contract faculty member, I voted in favor, too, because there was a mechanism that protected contract faculty; that is, if the funding for the enhanced schedules were to be reduced, the District would not reduce the annual contract salary schedule. Contract faculty did not get anything out of the last agreement. It would have been young adjunct faculty members who would have lost their jobs, had the agreement been rejected.
- At a lot of colleges, part-time and full-time faculty negotiated to absorb the cuts as one.
- AFA asked the District to take directly to the Board a proposal for across-the-board cuts, and the Board rejected the proposal, stating that they were concerned about annual

contract salaries falling below Rank 10. The only option for faculty at that point would have been to go on strike.

- The District said that they were going to cut 600 sections, and Councilors voted to keep that from happening, to keep adjunct faculty working, and to keep students in the classroom. It's going to get worse, and more cuts are coming.
- It's time to stop blaming AFA and the full-time faculty. The 9 percent enhancement was a raise, and it disappeared along with half of Disability Resources' funding. It's the Board who said "no." The State of California is not making education the priority it used to be.
- Everyone voted for the categorical program enhancements with the clear stipulation that if it went away, it went away. Hourly faculty benefited from the enhancement for nine years, and then it went away.
- When the District tells department chairs to cut 20% off the fall schedule or decides that it doesn't want to go over a certain number of students, AFA doesn't have control over that.
- Last year what happened was exactly what everyone was wanting to have happen the previous year; but, instead of being happy that AFA did what it did this last year—which resulted in saving sections—some faculty members condemned AFA for that action. It feels like damned if you do, damned if you don't. The focus of Council discussions last spring was about saving sections, so that we could save adjunct jobs. We knew that the students would benefit as well, but that was not what the Council's discussions were about.

There was brief discussion about the relative value of revisiting past decisions; the role that reason, emotions, and feelings play in discussions about those decisions; and the benefits of learning from history. Many Councilors expressed appreciation for the opportunity to communicate their opinions and their feelings during what was referred to as an important, healthy, and open discussion. Several Councilors—both adjunct and contract—expressed support for the idea of an 11-8 make-up and appreciation to Sean and Mike Starkey for their efforts.

MAIN REPORTS

1. Treasurer's Report: January 2011. Paula Burks reviewed the report, which covered December 2010 and January 2011, and she pointed out atypical revenue and expense items reflected in the report, including: (1) larger than usual revenue in January, which reflected two months of contract faculty dues and fees, because the Payroll Department did not make the December deposit until January; (2) payment of the invoice for the annual audit of AFA's books in January; payment of one additional invoice is pending completion of the organization's tax returns; (3) payment of stipends in December to authors of articles that AFA published in an issue of *Dialogue* regarding representation issues; and (4) payment of stipends in December to adjunct faculty members serving on the AFA Council Composition Team (ACCT). Noting that AFA Bookkeeper Candy Shell provides her with detailed profit and loss statements, Paula asked that Councilors contact her should they have any questions.
2. Negotiations Report. This report and subsequent discussion were conducted in closed session.

The meeting was adjourned at 5:12 p.m.

Minutes submitted by Judith Bernstein.